



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
JUNE 21, 2006  
Approved July 19, 2006**

**MEMBERS PRESENT**

John Papacosma, Chairman  
Joanne Rogers  
Kenneth Cichon, Associate Member  
Robin Brooks, Associate Member

**MEMBERS ABSENT**

Dorothy Carrier, Vice Chairman

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

---

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chair.

Mr. Papacosma, Chair, announced that Mr. George Swallow and Mr. Henry Korsiak had both resigned their positions with the Harpswell Planning Board.

Mr. Papacosma, Chair, named Mr. Brooks and Mr. Cichon as full voting members for purposes of this evening's meeting.

**Minutes of April 19, 2006 and May 17, 2006**

Ms. Rogers moved, seconded by Mr. Cichon to accept the minutes of April 19, 2006 and May 17, 2006 as printed. Unanimous Approval

Mr. Papacosma, Chair, reviewed the Planning Board site visits on June 19, 2006, which were attended by Ms. Rogers, Mr. Brooks, Mr. Papacosma, Mr. Cichon and Mr. Chace, Town Planner.

Mr. Papacosma, Chair, explained the hearing process and procedures for the Planning Board meeting.

**OLD BUSINESS**

**06-04-03** Great Island Boat Yard (Delmar Properties), Site Plan Review, Shoreland Business Zone, Tax Map 48-48, 419 Harpswell Islands Road, Harpswell.

Mr. Rowe, applicant, stated his plans to increase Great Island Boat Yard's rental moorings from 40 to 50, realign the existing mooring to enhance safety and reduce congestion, and that he will not be making any changes to the land side of the business.

Mr. Papacosma, Chair, opened the floor to members of the public who wished to comment.

Mr. Ragonese, asked which official would be taking authority over the moorings and docks, expressed his concern that this increase in rental mooring would negatively impact recreational use in that area, pointed out that care needed to be taken in locating these new moorings, and requested that something definitive be put in writing so that there would be an accurate record.

Seeing no further comment from the members of the public present, Mr. Papacosma, Chair, closed the public portion of the meeting.

Mr. Papacosma, Chair, explained that authority of the Planning Board with regard to this application was limited to the land side of the proposal. Mr. Papacosma encouraged Mr. Ragonese to contact the Harbor Master with his concerns regarding mooring placement and recreational use of the waterways.

Mr. Chace, Town Planner, added that Mr. Ragonese's comments would be reflected in the record.

Mr. Cichon read portions of the Harbor Master's comments dated May 24, 2006.

The Planning Board discussed comments from the Harbor Master, parking, the approved site plan, and the April 19, 2006 Codes Enforcement Office's memorandum.

Ms. Rogers moved, seconded by Mr. Papacosma to find that the applicant meets the requirements of § 15 of the Site Plan Review Standards. Unanimous Approval

Ms. Rogers moved, seconded by Mr. Cichon to find that the applicant meets the requirements of § 13.4.7 of the Basic Land Use Ordinance. Unanimous Approval

## **NEW BUSINESS**

### **ITEM 1**

**06-05-01** Russell Emerson, Site Plan Review; Commercial Fishing Zone, Tax Map 11-115, 14 Whidden Road, Harpswell.

Mr. Emerson explained his proposal to install a holding tank on the site. Mr. Emerson added that he will be using the existing building, pier, ramp, and dock system and will only be making maintenance repairs to those structures.

Planning Board consideration of Site Plan Review §15, approval standards and criteria.

#### **Section 15.1 Dimensional Requirements**

Ms. Rogers moved, seconded by Mr. Cichon to find that the applicant meets the requirements of § 15.1 Dimensional Requirements as there are no proposed alterations to the property and the dimensional standards are grandfathered. Unanimous Approval

#### **Section 15.2 Utilization of the Site**

Mr. Papacosma moved, seconded by Ms. Rogers, that the requirements of §15.2 Utilization of the Site have been met. Unanimous Approval

#### **Section 15.3 Adequacy of Road Systems**

Ms. Rogers moved, seconded by Mr. Cichon, that the applicant meets the requirements of § 15.3 Adequacy of Road System as there will be limited increase in traffic flow as the applicant will be the only employee on site. Unanimous Approval

#### Section 15.4 Access into the Site

Mr. Cichon moved, seconded by Ms. Rogers to find that the applicant meets the requirements of § 15.4 as the access into the site will not change as a result of this proposal. Unanimous Approval

#### Section 15.5 Access/Egress Way Location and Spacing

Mr. Papacosma moved, seconded by Ms. Rogers that § 15.5 Access/Egress Way Location and Spacing is met. Unanimous Approval

#### Section 15.6 Internal Vehicular Circulation

Mr. Cichon moved, seconded by Ms. Rogers, to find the requirements of § 15.6 Internal Vehicular Circulation do not apply to this application. Unanimous Approval

#### Section 15.7 Parking

Ms. Rogers moved, seconded by Mr. Cichon, to find that the applicant meets the requirements of § 15.7 Parking as the parking layout would appear adequate to accommodate the proposed use. Unanimous Approval

#### Section 15.8 Pedestrian Circulation

Ms. Rogers moved, seconded by Mr. Cichon, to find that the application meets the requirements of § 15.8 Pedestrian Circulation. Unanimous Approval

#### Section 15.9 Stormwater Management

Ms. Rogers moved, seconded by Mr. Papacosma, that conditioned upon the use of approved erosion control measures, the requirements of § 15.9 Stormwater Management will be met as there is no proposed development as a part of this application and the site will not be altered. Unanimous Approval

#### Section 15.10 Erosion Control

Mr. Papacosma moved, seconded by Ms. Rogers, that the requirements of § 15.10 Erosion Control will be met. Unanimous Approval

#### Section 15.11 Water Supply and Groundwater Protection

Mr. Papacosma moved, seconded by Ms. Rogers, that the requirements of § 15.11 Water Supply and Groundwater Protection will be met. Unanimous Approval

#### Section 15.12 Subsurface Waste Disposal

Ms. Rogers moved, seconded by Mr. Papacosma, that the applicant meets the requirements of § 15.12 Subsurface Waste Disposal as the Code Enforcement Office is prepared to issue a permit for a holding tank that meets the State of Maine Wastewater Rules. Unanimous Approval

#### Section 15.13 Utilities and Essential Services

Mr. Papacosma moved, seconded by Ms. Rogers that the requirements of § 15.13 Utilities and Essential Services has been met. Unanimous Approval

#### Section 15.14 Natural Features and Buffering

Mr. Papacosma moved, seconded by Ms. Rogers to find that the applicant has met the requirements of § 15.14 Natural Features and Buffering. Unanimous Approval

#### Section 15.15 Lighting

Mr. Papacosma moved, seconded by Ms. Rogers that the requirements of § 15.15 Lighting has been met based upon the testimony of the applicant. Unanimous Approval

#### Section 15.16 Water Quality Protection

Mr. Papacosma moved, seconded by Ms. Rogers that based on the applicant's testimony that measures will be taken to ensure water quality protection that the requirements of § 15.16 have been met. Unanimous Approval

#### Section 15.17 Hazardous, Special and Radioactive Materials

Mr. Papacosma moved, seconded by Mr. Cichon that the requirements of § 15.17 Hazardous, Special and Radioactive Materials has been met. Unanimous Approval

#### Section 15.18 Solid, Special and Hazardous Waste Disposal

Ms. Rogers moved, seconded by Mr. Papacosma that the applicant meets the requirements of § 15.18 Solid, Special and Hazardous Waste Disposal. Unanimous Approval

#### Section 15.19 Historic and Archaeological Resources

Ms. Rogers moved, seconded by Mr. Brooks that the applicant meets the requirements of § 15.19 as there are no known or identified resources on this site. Unanimous Approval

#### Section 15.20 Floodplain Management

Mr. Papacosma moved, seconded by Ms. Rogers that the requirements of § 15.20 Floodplain Management has been met. Unanimous Approval

#### Section 15.21 Technical and Financial Capacity

Mr. Cichon moved, seconded by Mr. Brooks that the applicant meets the requirements of § 15.21 Technical and Financial Capacity as the cost for the proposal is small and the Planning Board can assume the financial ability of the applicant to complete this project. Unanimous Approval

Planning Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Ms. Rogers moved, seconded by Mr. Cichon that the proposal will not significantly alter the site and therefore should not adversely impact the requirements of § 13.4.7.1. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Ms. Rogers moved, seconded by Mr. Papacosma that the application meets the requirements of § 13.4.7.2 as the proposal will not significantly alter the site and therefore will not adversely impact water pollution, erosion or sedimentation to surface waters. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Ms. Rogers moved, seconded by Mr. Cichon that the application meets the requirements of § 13.4.7.3 as the applicant has previously testified that he will adequately provide for the disposal of all wastewater. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Ms. Rogers moved, seconded by Mr. Cichon that the application meets the requirements of § 13.4.7.4 as the proposal will not significantly alter the site and therefore will not adversely impact spawning grounds, fish, aquatic life, bird or other wildlife habitat. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Ms. Rogers moved, seconded by Mr. Cichon that the application meets the requirements of § 13.4.7.5 as the proposal will not significantly alter the site and therefore will not adversely impact shore cover and points of access to inland and coastal waters. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Mr. Papacosma moved, seconded by Ms. Rogers that the requirements of § 13.4.7.6 are not applicable to this proposal. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Mr. Papacosma moved, seconded by Mr. Cichon that the application meets the requirements of § 13.4.7.7 as the proposal will not significantly alter the site and therefore will not adversely impact this provision. Unanimous Approval

13.4.7.8 Will avoid problems associated with floodplains development and use.

Mr. Papacosma moved, seconded by Ms. Rogers that the structures are grandfathered and therefore the requirements of § 13.4.7.8 have been met. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

Mr. Papacosma moved, seconded by Mr. Cichon that the proposal meets the provisions of § 15 Land Use Standards of the Shoreland Zoning Ordinance where feasible. The existing structures are grandfathered nonconforming structures and the proposed use of the structures is an allowed use. Unanimous Approval

Ms. Rogers moved, seconded by Mr. Cichon that the applicant meets the requirements of § 13.4.7 of the Basic Land Use Ordinance. Unanimous Approval

The Planning Board signed the site plan.

#### **OTHER BUSINESS**

The Planning Board discussed the minor site plan review for the Fish Net Café and expressed concerns with regard to expansion of the use, the deck being built prior to approval, and enforcement. Ms. Rogers stated that any further expansion of use would require the applicant to obtain approval and permitting prior to any nails being hammered in any proposed structure. Mr. Cichon expressed his concern with regard to unauthorized future expansion of either the deck or the seating.

The Planning Board was polled and agreed not to take jurisdiction for the minor site plan review for Fish Net Café.

There being no other business before the Planning Board, **MR. PAPACOSMA MOVED, SECONDED BY MS. ROGERS TO ADJOURN.**

Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant